

**REMARKS**

By the present amendment, Claims 1, 4 and 8 have been amended, and Claims 3, 5 and 11 have been canceled. Claims 1, 2, 4, 6-10 and 12 remain pending in the application, with Claims 1, 4 and 8 being independent claims. Claims 1, 2, 4 and 7-10 are rejected under 35 U.S.C. § 103(a) as allegedly being unpatentable over newly cited Harada (U.S. Patent Application Publication No. 2003/0007640 A1) in view of Horiuchi (U.S. Patent Application Publication No. 2003/0009667 A1) and newly cited Skinner (U.S. Patent Application Publication No. 2004/0202291 A1). Claims 3, 5, 6, 11 and 12 are rejected under 35 U.S.C. § 103(a) as allegedly being unpatentable over Harada in view of Horiuchi, Skinner, and Menezes (Handbook of Applied Cryptology). The cancellation of Claims 3, 5 and 11 render these rejections moot with respect to these particular claims.

Independent Claim 1 has been amended to incorporate the limitations of Claim 3 and recite, in part, a mobile communication terminal for providing mobile communication functions, for accessing a content server by at least one of wired and wireless communication, downloading content from the content server, and uploading the downloaded content to an external device which is not attached to the mobile communication terminal, the mobile communication terminal comprising: a memory for storing model information and a serial number of the mobile communication terminal and the downloaded content, and also for storing an encryption key for encrypting the content downloaded from the external device; a communication unit for providing mobile communication functions and an interface for exchanging data with the external device; an encryption unit for encrypting the serial number and the content with the encryption key, thereby restricting use of the content to the mobile communication terminal; a controller for uploading the encrypted content from the mobile communication terminal to the external device via the communication unit, and for transmitting a download request signal for the uploaded content to the external device in response to an input command; and a decryption unit for decrypting, with the encryption key, the content downloaded from the external device in response to the download request signal for the uploaded content, wherein the encryption key is generated

by the external memory device considering further time information set in the external memory device. Independent Claims 4 and 8 have also been amended to incorporate the limitations of associated dependent Claims 5 and 11, respectively.

Regarding independent Claim 1, the Examiner concedes that Harada does not disclose a memory for storing an encryption key for encrypting the content downloaded from the external device. The Examiner states that Horiuchi suggests these recitations in paragraphs 72, 109 and 114, and asserts that it would have been obvious to modify Harada with the alleged suggestions of Horiuchi. The Examiner also concedes that the combination of Harada and Horiuchi do not disclose an external device which is not attached to the mobile communication terminal. The Examiner states that Skinner suggests these recitations in paragraphs 42 and 78, and asserts that it would have been obvious to modify the combination of Harada and Horiuchi with the alleged suggestions of Skinner. The Examiner makes similar statements regarding independent Claims 4 and 8.

Harada describes a digital work protection system, record/playback device, recording medium device, and model change device. The Examiner relies on paragraphs 72, 109 and 114 of Horiuchi for suggesting a memory for storing an encryption key for encrypting the content downloaded from the external device. In these areas, Horiuchi describes use of session keys Ks1-Ks4 generated between a data terminal and a memory card. At each session, these session keys are transmitted/received. Horiuchi provides the session keys Ks1-Ks4 to enable use of content stored on the memory card by devices other than the device which obtained the content, as Horiuchi explains in paragraph 143. In contrast, in the present invention, use of the content is restricted to the mobile communication device which obtained the content. Horiuchi fails to suggest this and, accordingly, Horiuchi fails to supplement the deficiencies of Harada.

On page 2 of the Advisory Action dated June 16, 2008, the Examiner states that Harada was relied on for teaching the encryption unit recited in the claims. However, modifying Harada with the alleged suggestions of Horiuchi would result in an encryption unit that would not restrict

use of the content to the mobile communication device, and would also destroy the configuration shown in Harada. Furthermore, Harada and Horiuchi both fail to suggest an encryption key that is generated by an external memory device considering further time information set in the external memory device, as conceded by the Examiner.

Skinner describes a mobile phone with voice recording transfer function. Menezes describes applied cryptology. Skinner and Menezes also fail to supplement the deficiencies of Harada because Skinner and Menezes fail to suggest restricting use of content on an external memory device to a mobile communication device which obtained the content. Skinner also fails to suggest an encryption key that is generated by an external memory device considering further time information set in the external memory device, as conceded by the Examiner. The timestamps described by Menezes fails to suggest an encryption key that is generated by an external memory device considering further time information set in the external memory device. Therefore, Menezes also fails to supplement the deficiencies of Harada.

Accordingly, amended Claims 1, 4 and 8 are allowable over Harada, Horiuchi, Skinner, Menezes, or any combination thereof.

While not conceding the patentability of the dependent claims, *per se*, Claims 2, 6, 7, 9, 10 and 12 are also allowable for at least the above reasons.

PATENT

Attorney Docket: 678-1163 (P10820)

Accordingly, all of the claims pending in the Application, namely, Claims 1, 2, 4, 6-10 and 12, are in condition for allowance. Should the Examiner believe that a telephone conference or personal interview would facilitate resolution of any remaining matters, the Examiner may contact Applicant's attorney at the number given below.

Respectfully submitted,



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